

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Docket No. 1:04-CR-10194-RCL

UNITED STATES

v.

FRANCIS MUOLO, Anthony  
Bucci and David Jordan,  
Defendants.

MOTION TO IMPOUND

NOW COMES Kevin L. Barron, CJA counsel to defendant, and moves for an order impounding certain *ex parte* motions for funds. Counsel moves on the grounds that said motions contain information that may refer to attorney work product and privileged legal and medical communications. The Criminal Justice Act and the law of this Circuit require that these motions be filed *ex parte*. See, 18 U.S.C. § 3006A(e)(1) and *United States v. Abreu*, 202 F.3d 386 (1 Cir. 2000) (availability of funds in aid of sentencing as well as for competency issues; vacating and remanding for District Court's refusal to hear a confidential motion *ex parte*.).

As L.R. 7.2(d) requires, counsel files this motion before filing any *ex parte* motions. Counsel believes there is good cause that the impoundment order should not be lifted, with the sole exception of the CV or resume of any person who is called upon to testify in this action. L.R. 7.2(a). As to such CV's or resumes, these may be released upon application to the extent they are not offered by counsel in advance of hearing pursuant to the rules of Court. In

accordance with L.R. 7.2 (c), there should be no cut-off date for the order sought in this motion; once the judgment of this action becomes final, material not specifically released from impoundment should be returned to counsel for storage and destruction. This request should not be construed as a blanket order of impoundment. L.R. 7.2(e). It is intended to apply only to anticipated *ex parte* motions for funds of the type ordinary sought for indigent persons proceeding under the CJA. Counsel has already prepared motions for the retention of said services and needs only that this motion be granted to proceed in filing them.

Dated this 2<sup>nd</sup> day of November, 2005 at Boston, Massachusetts.

/s./ Kevin L. Barron

Kevin Lawrence Barron 550712  
Attorney for Francis A. Muolo  
453 Washington Street 5B  
Boston, MA 02111-1325  
Tel. No. 617-482-6368  
Fax: 617-517-7711  
Email: [k@lawyerbarron.com](mailto:k@lawyerbarron.com)

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